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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

Nicholas James McGuffin, as an individual and as guardian ad litem, on behalf of S.M., a minor,

Plaintiffs,

v.

Case No. 6:20-cv-01163-MK

Mark Dannels, Pat Downing, Susan Hormann, Mary Krings, Kris Karcher, Shelly McInnes, Raymond McNeely, Kip Oswald, Michael Reaves, John Riddle, Sean Sanborn, Eric Schwenninger, Richard Walter, Chris Webley, Anthony Wetmore, Kathy Wilcox, Craig Zanni, David Zavala, Joel D. Shapiro as Administrator of the Estate of David E. Hall, Vidocq Society, City of Coquille, City of Coos Bay, and Coos County,

Defendants.

VIDEOTAPED DEPOSITION OF

NICHOLAS MCGUFFIN

DAY 2

TAKEN ON
FRIDAY, JANUARY 13, 2023
10:05 A.M.

MALONEY LAUERSDORF & REINER, PC
1111 EAST BURNSIDE, SUITE 300
PORTLAND, OREGON 97214

Arlan Harrell January 9, 2023 NDT Assgn # 62048 Page 2

	2	4
1 APPEARANCES	1 APPEARANCES (CONTINUED)	
2	2	
3 Appear on behalf of the Plaintiffs:	3 Appear on behalf of the Defendants Vidocq	
4 JANIS C. PURACAL, ESQUIRE	4 Society and Richard Walter:	
5 Forensic Justice Project	5 AMANDA J. ROCKETT, ESQUIRE	
6 333 Southwest Taylor Street, Suite 400	6 KARIN SCHAFER, ESQUIRE (Via Videoconference)	
7 Portland, Oregon 97204	7 Wood Smith Henning & Berman, LLP	
8 (503) 782-6650	8 12755 SW 69th Avenue, Suite 100	
9 jpuracal@forensicjusticeproject.org	9 Portland, Oregon 97223	
10	10 (971) 256-4010	
11 -and-	11 (971) 274-1928 (Fax)	
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13 ANDREW C. LAUERSDORF, ESQUIRE	13 kschaffer@wshblaw.com	
14 Maloney Lauersdorf & Reiner, PC	14	
15 1111 East Burnside Street, Suite 300	15 ALSO PRESENT:	
16 Portland, Oregon 97214	16 Mark Williamson, CIS Insurance	
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18 (503) 245-1417 (Fax)	18	
19 acl@mlrlegalteam.com	19	
20	20	
21	21	
22	22	
23	23	
24	24	
25	25	
	3	5
1 APPEARANCES (CONTINUED)	1 INDEX	
2	2 Page	
3 Appear on behalf of Defendants Dannels, Downing,	3	
4 Karcher, McInnes, McNeely, Oswald, Reaves, Sanborn,	4 EXAMINATION BY MR. DAVIS	8
5 Schwenninger, Webley, Wetmore, Zanni, Zavala, City	5	
6 Of Coquille, City of Coos Bay, Coos County, Oregon;	6 EXAMINATION BY MS. ROCKETT	78
7 and the Estate of David E. Hall:	7	
8 ROBERT FRANZ, JR., ESQUIRE	8 FURTHER EXAMINATION BY MR. DAVIS	122
9 SARAH HENDERSON, ESQUIRE	9	
10 Franz Law Offices	10	
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12 Springfield, Oregon 97477	12	
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14 (541) 741-8234 (Fax)	14	
15 rfranz@franzlaw.comcastbiz.net	15	
16 shenderson@franzlaw.comcast.com	16	
17	17	
18 Appear on behalf of the State Defendants:	18	
19 JESSE B. DAVIS, ESQUIRE	19	
20 Oregon Department of Justice	20	
21 100 SW Market Street	21	
22 Portland, Oregon 97201	22	
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24 (971) 673-1888 (Fax)	24	
25 jesse.b.davis@doj.state.or.us	25	

			Arlan Harrell	January 9, 2023	NDT Assgn # 62048	Page 3
1	EXHIBITS	Page	6			8
2	Exhibit			1	VIDEOTAPED DEPOSITION OF	
3				2	NICHOLAS MCGUFFIN	
4	401 DNA TESTING	N/A		3	DAY 2	
5				4	TAKEN ON	
6	402 LETTER DATED JANUARY 18 2016	N/A		5	FRIDAY, JANUARY 13, 2023	
7				6	10:05 A.M.	
8	403 PAGE 3 AND 4 FROM STATEMENT	118		7		
9				8	THE VIDEOGRAPHER: We're on the record.	
10	404 LETTER	117		9	The time is 10:05. The day is January 13, 2023.	
11				10	This is the continuation of the deposition	
12	405 STATEMENT	117		11	of Nicholas McGuffin. The case caption is McGuffin	
13				12	versus Dannels.	
14	406 DETAILED CASE PLAN REPORT	N/A		13	THE REPORTER: And just a reminder, Mr.	
15				14	McGuffin, you are still under oath.	
16	407 VISITATION LOG	N/A		15	THE DEPONENT: Okay.	
17				16	THE VIDEOGRAPHER: And you may proceed.	
18	527 MEDICAL RECORDS	N/A		17	NICHOLAS MCGUFFIN, having been previously duly	
19				18	sworn, was examined, and testified as follows:	
20	534 STATEMENT FROM NAVY RECRUITER	N/A		19	EXAMINATION	
21				20	BY MR. DAVIS:	
22	545 PHOTO	N/A		21	Q. Good morning, Mr. McGuffin.	
23				22	A. Good -- good morning.	
24	546 PHOTO	N/A		23	Q. We're here for our second day.	
25				24	So your daughter, Violet, was born on	
				25	October 11, 2007, correct?	
1	EXHIBITS CONTINUED	Page	7			9
2	Exhibit			1	A. Correct.	
3				2	Q. And where was she born?	
4	701 PROTECTIVE ORDER STATEMENT	89		3	A. The Coos Bay Area Hospital, I believe.	
5				4	Q. Okay. And you were together with Ms.	
6	702 STATEMENT DATED MAY 21 2021	89		5	Edgerton at the time?	
7				6	A. I was.	
8				7	Q. Did you all three live together?	
9				8	A. Yes, we did.	
10				9	Q. Where did you live?	
11				10	A. Oh, I think we lived with my parents at	
12				11	that time on Baker Road.	
13				12	Q. Okay. And let me just ask you about, just	
14				13	for no reason in particular, her first year of her	
15				14	life. Were you working?	
16				15	A. I was. I -- I might have been working at	
17				16	Captain's Choice.	
18				17	Q. What is -- what is Captain's Choice?	
19				18	A. It's just, like, a steakhouse and seafood	
20				19	restaurant in North Bend, I believe.	
21				20	Q. Okay. And was Ms. Edgerton working?	
22				21	A. I don't believe she was.	
23				22	Q. And was she caring for Violet during the	
24				23	day?	
25				24	A. Yeah. I mean, she would care for Violet.	
				25	My mom, my dad always helped out.	

	122	124
<p>1 MR. DAVIS: We're back from a short break.</p> <p>2 FURTHER EXAMINATION</p> <p>3 BY MR. DAVIS:</p> <p>4 Q. This is Jesse Davis again, Mr. McGuffin.</p> <p>5 I just had a couple of follow-up questions.</p> <p>6 During our break a few moments ago, your</p> <p>7 attorney asked you something about Tina Mims and</p> <p>8 witness tampering.</p> <p>9 A. Tina Mims and what?</p> <p>10 Q. And witness tampering.</p> <p>11 A. Correct.</p> <p>12 Q. Do you remember that?</p> <p>13 MS. PURACAL: I'm going to object to that.</p> <p>14 It mischaracterizes what Mr. Lauersdorf asked him on</p> <p>15 the break.</p> <p>16 BY MR. DAVIS:</p> <p>17 Q. What did Mr. Lauersdorf ask you?</p> <p>18 A. I can't recall exactly what he asked. It</p> <p>19 would have to be -- I'm -- I don't -- I'm not going</p> <p>20 to remember it verbatim.</p> <p>21 MS. HENDERSON: Mr. Davis, if you want</p> <p>22 some help, I believe it was evidence tampering, not</p> <p>23 witness tampering --</p> <p>24 MR. DAVIS: Oh, excuse me.</p> <p>25 MS. HENDERSON: -- if that resolves the</p>	<p>1 For purposes of a potential deposition, I</p> <p>2 understand, Mr. McGuffin, your mother has moved kind</p> <p>3 of -- for purpose of her as a witness in this case,</p> <p>4 obviously, we want to make sure that we're going to</p> <p>5 be able to reach her, if we need to put it on the</p> <p>6 record where she currently is living, or if we can</p> <p>7 just agree among counsel that that will be</p> <p>8 disclosed.</p> <p>9 MS. PURACAL: That will be disclosed.</p> <p>10 MS. HENDERSON: Okay.</p> <p>11 MS. PURACAL: Yes.</p> <p>12 MS. HENDERSON: That's all I wanted to --</p> <p>13 MS. PURACAL: Yeah.</p> <p>14 MS. HENDERSON: -- clarify.</p> <p>15 MS. PURACAL: And I just want to put on</p> <p>16 the record that we're going to designate portions of</p> <p>17 the transcript under our protective order. So we're</p> <p>18 going to designate any portion of the transcript</p> <p>19 that discusses or refers to Mr. McGuffin's daughter,</p> <p>20 Violet, including her age, her date of birth, or her</p> <p>21 mother's name; designate under the protective order</p> <p>22 any portion of the transcript that discusses or</p> <p>23 refers to Mr. McGuffin's younger daughter, Angel, or</p> <p>24 Angela, including her age, her date of birth, or her</p> <p>25 mother's name; and we'll designate any portion of</p>	
<p>1 objection.</p> <p>2 BY MR. DAVIS:</p> <p>3 Q. Sorry. I apologize for that.</p> <p>4 So Mr. Lauersdorf asked you a question</p> <p>5 about evidence tampering; do you remember that?</p> <p>6 A. And that was -- that was -- we're all</p> <p>7 clear that's what was said? Okay. Yeah, I don't</p> <p>8 have no knowledge of her having any evidence</p> <p>9 tampering.</p> <p>10 Q. So when Mr. Lauersdorf asked you that, was</p> <p>11 that the first time you heard of it?</p> <p>12 A. That is.</p> <p>13 Q. Okay. You were not aware of that at the</p> <p>14 time of your conviction.</p> <p>15 A. No, I was not.</p> <p>16 MR. DAVIS: All right. I don't have</p> <p>17 anything further. I think the only remaining</p> <p>18 matters are disputes and things that have arisen and</p> <p>19 then, potentially, just discovery, you know,</p> <p>20 documents that may yet to be produced, so leaving it</p> <p>21 open for that purpose. But otherwise, I don't have</p> <p>22 anything else.</p> <p>23 MS. PURACAL: I'm going to --</p> <p>24 MS. HENDERSON: Oh, go ahead. I just --</p> <p>25 before we go off the record, I just wanted to see.</p>	<p>123</p> <p>1 the transcript that discusses any minor who works</p> <p>2 with Mr. McGuffin at his place of employment.</p> <p>3 We'll also designate any portion of the</p> <p>4 transcript that discusses or refers to any intimate</p> <p>5 or sexual relationships that Mr. McGuffin has had.</p> <p>6 And then we'll also designate any portion</p> <p>7 of the transcript that discusses any document that's</p> <p>8 been designated under the protective order.</p> <p>9 And then one final matter for counsel. I</p> <p>10 just want to make sure that everybody is aware, and</p> <p>11 I put on the record, that we have made a box of</p> <p>12 documents available to counsel that includes letters</p> <p>13 and photos and correspondence from Mr. McGuffin to</p> <p>14 his family and vice versa. And that's all here and</p> <p>15 available still for counsel if you want to look at</p> <p>16 those documents.</p> <p>17 MS. ROCKETT: Can we get copies of that</p> <p>18 stuff?</p> <p>19 MS. PURACAL: That was my email about if</p> <p>20 you all want to -- to take it to a vendor, then we</p> <p>21 will make that arrangement --</p> <p>22 MS. ROCKETT: Okay.</p> <p>23 MS. PURACAL: -- to have it taken to our</p> <p>24 vendor. It's personal stuff to Mr. McGuffin,</p> <p>25 including photos of his daughter. We don't want it</p>	125

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<p>1 CERTIFICATE</p> <p>2</p> <p>3 I, Ryan Batterson, do hereby certify that I reported</p> <p>4 all proceedings adduced in the foregoing matter and that</p> <p>5 the foregoing transcript pages constitutes a full, true,</p> <p>6 and accurate record of said proceedings to the best of</p> <p>7 my ability.</p> <p>8</p> <p>9 I further certify that I am neither related to</p> <p>10 counsel or any part to the proceedings nor have any</p> <p>11 interest in the outcome of the proceedings.</p> <p>12</p> <p>13 IN WITNESS HEREOF, I have hereunto set my hand this</p> <p>14 2nd day of January, 2023.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 /S/ Ryan Batterson</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>130</p> <p>1 CORRECTION SHEET</p> <p>2 Deposition of: Nicholas McGuffin Date: 01/13/23</p> <p>3 Regarding: McGuffin vs. Dannels City of Coquille</p> <p>4 Reporter: Batterson/Willman</p> <p>5 _____</p> <p>6 Please make all corrections, changes or clarifications</p> <p>7 to your testimony on this sheet, showing page and line</p> <p>8 number. If there are no changes, write "none" across</p> <p>9 the page. Sign this sheet on the line provided.</p> <p>10 Page Line Reason for Change</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Signature _____</p> <p>25 Nicholas McGuffin</p>
<p>1 Date: February 2, 2023 Assignment #: 62231</p> <p>2 Attorney: Andrew Lauersdorf, Esquire</p> <p>3 Deponent: Nicholas McGuffin</p> <p>4 Case: McGuffin vs. Dannels City of Coquille</p> <p>5</p> <p>6 ATTORNEY - TRANSCRIPT ENCLOSED: Signature of your</p> <p>client</p> <p>7 is required. Please have your client make any corrections</p> <p>8 necessary. Sign the Correction Sheet where indicated.</p> <p>9 Forward a COPY of the executed Correction Sheet directly</p> <p>10 to the attorney(s) listed below. (The Address(es) can be</p> <p>11 found on the Appearance page of the deposition.) Also,</p> <p>12 send a COPY of the executed Correction Sheet to our</p> <p>13 corporation.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 CC: Naegeli Deposition & Trial</p> <p>19 Robert Franz, Esquire</p> <p>20 Sarah Henderson, Esquire</p> <p>21 Janis Puracl, Esquire</p> <p>22 Jesse Davis, Esquire</p> <p>23 Amanda Rockett, Esquire</p> <p>24 Karin Schaffer, Esquire</p> <p>25</p>	<p>131</p> <p>133</p> <p>1 DECLARATION</p> <p>2 Deposition of: Nicholas McGuffin Date: 01/13/23</p> <p>3 Regarding: McGuffin vs. Dannels City of Coquille</p> <p>4 Reporter: Batterson/Willman</p> <p>5 _____</p> <p>6</p> <p>7 I declare under penalty of perjury the following to</p> <p>8 be true:</p> <p>9</p> <p>10 I have read my deposition and the same is true and</p> <p>11 accurate save and except for any corrections as made</p> <p>12 by me on the Correction Page herein.</p> <p>13</p> <p>14 Signed at _____, _____</p> <p>15 on the _____ day of _____, 2023.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Signature _____</p> <p>25 Nicholas McGuffin</p>